

87-1918/1
Central Intelligence Agency
Washington, D.C. 20505


Executive Secretariat

14 May 1987

NOTE FOR: General Counsel

Attached materials from ACIS delivered to
Executive Registry for OGC.

No action on your part required.


Executive Secretary

✓cc: ER

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C-119-15



United States Department of State

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The Legal Adviser

Washington, D.C. 20520

May 12, 1987

MEMORANDUM

Executive Registry

87-1918X

TO: ACDA - Mr. Adelman
 DOD - Mr. Perle
 JCS - Gen. Denson
 CIA - Mr. Doherty
 S/Del - Amb. Cooper
 S/ARN - Amb. Nitze
 EUR - Amb. Ridgway
 PM - Amb. Holmes
 INR - Amb. Abramowitz
 S/S - Mr. Levitsky

FROM: L - Abraham D. Sofaer *ADS*

SUBJ.: Release of Materials to Senate

At the instruction of the NSC, we are preparing to make available to the Senate, on a classified basis, certain materials relating to the subsequent practice of the parties to the ABM Treaty. The materials would be deposited in S407 and would be available to the Senate and staff on the same basis as the materials transmitted last summer relating to the negotiating history. The items are as follows:

(1) The 1974 and 1976 Protocols on Procedures Governing Replacement, Dismantling or Destruction, and Notification Thereof, for ABM Systems and Their Components, and the 1978 Agreed Statement;

(2) A description of U.S.-Soviet exchanges in the SCC, containing verbatim extracts from cables, airgrams and memcons;

(3) Relevant excerpts from the SALT II negotiating record;

(4) A memorandum from Amb. Cooper (S/Del) on the "DST Negotiations and Subsequent Practice";

(5) A description of internal USG deliberations regarding the 1977 ABM Treaty Review Conference. The description includes verbatim extracts and discussions of memoranda originating in ACDA, NSC, CIA, DOD, and JCS.

The materials to be provided are available for your review, should you wish, in Room 6429 at the Office of the Legal

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Adviser. In most cases, representatives of your offices have already examined these materials here during the last two weeks. (In the case of category (5), the underlying documents themselves were examined.)

Please provide your clearance/comments on this proposed course of action no later than noon, May 13.

ACIS - 241/87
14 May 1987

NOTE FOR: A/DCI

FROM: C/ACIS

SUBJECT: Judge Sofaer's ABM Treaty Review Study

This note is FYI and updates my note to you of 30 April on the same subject.

A State lawyer who works for Judge Sofaer called us again on Wednesday to invite us to review another set of documents regarding the correct interpretation of the ABM Treaty. These materials were scheduled to be sent to the Senate on a classified basis and deposited there in S407. The issue again is whether CIA and/or DCI had any difficulty in allowing these items be made available to the Senate.

[redacted] of ACIS took a team with him on Wednesday to review this material. One was a senior analyst from SOVA [redacted] and another was a lawyer from OGC [redacted]. The material they reviewed was:

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- (1) 1974 and 1976 ABM-related protocols and the 1978 Agreed Statement;
- (2) A description of US-Soviet exchanges in the SCC;
- (3) Relevant excerpts from the SALT II negotiating record;
- (4) A memorandum from Amb. Cooper (S/Del) on the "DST Negotiations and Subsequent Practice";
- (5) A description of internal USG deliberations regarding the 1977 ABM Treaty Review Conference.

On your behalf we agreed to allow the package to be sent because there was no SCI material and the package included no intelligence documents. There was only one brief reference to a statement former DCI Turner made concerning the view that the ban on tests of "other physical principles" was desirable.

The material we reviewed two weeks ago was apparently not sent to the Congress. In the weeks ahead there are likely to be more packages of this kind of material; we were assured by Judge Sofaer's office that we will be able to review materials before they are sent to the Senate.

What more may we do for you here?

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cc: DDI DDS&T
DDO D/NSA
D/DIA OGC
SAMWG

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